CHAP. II.

AN

ACT

TO

Prevent the Diſtilling of Spirits from Wheat, Oats, Bear, Barley, Malt, Beans, and Peaſe, or from any Potatoes, Meal or Flour of Wheat, Oats, Bear, Barley, Malt, Beans, or Peaſe, for a limited Time.

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DUBLIN:

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CHAP. II.

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WHEREAS it is Expedient that the Diſtilling or Extracting of low Wines or Spirits from Wheat, Bear, Barley, Malt, Oats, Beans, and Peaſe, or from any Potatoes, Meal or Flour of Wheat, Oats, Bear, Barley, Malt, Beans, or Peaſe, ſhould be prohibited for a limited Time;

CHAP. II. Be it Enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by the Authority of the same; That from and after the Twenty-fifth Day of March, in the Year of our Lord One thousand seven hundred and fifty-eight, no Aqua Vitæ, lowb Wines, or Spirits whatsoever, shall be Made, Extracted, or Distilled within this Kingdom, from any Wheat, Oats, Bear, Barley, Malt, Beans, or Peale, or from any Potatoes, Meal or Flour of Wheat, Oats, Bear, Barley, Malt, Beans, or Peale, until the First Day of September, One thousand seven hundred and fifty-nine.

And be it further Enacted by the Authority aforesaid, That if, during the Time herein limited, any Distiller or Maker of Aqua Vitæ, lowb Wines, or Spirits, or any other Person or Persons whatsoever, shall Brew, Make, Extract, or Distil, or Cause or Procure to be Brewed, Made, Extracted or Distilled any Aqua Vitæ, lowb Wines, or Spirits, from any Wheat, Oats, Bear, Barley, Malt, Beans, or Peale, or from any Potatoes, Meal or Flour of Wheat, Oats, Bear, Barley, Malt, Beans,

Beans, or Peale, or shall Use or Mix, or Cause, or Procure to be Used or Mixed, any Wheat, Oats, Bear, Barley, Malt, Beans, or Peale, or any Potatoes, Meal or Flour of Wheat, Oats, Bear, Barley, Malt, Beans, or Peale, in any Worts or Wash, in Order for the Making, Extracting or Distilling Aqua Vitæ, Low Wines, or Spirits, or shall Put or Lay, or Cause or Procure to be Put or Layed in any Tun, Washing, Batch, Cask, Copper, Keeve, Still, or other Vessel or Utensil, any Wheat, Oats, Bear, Barley, Malt, Beans, or Peale, or any Potatoes, Meal or Flour of Wheat, Oats, Bear, Barley, Malt, Beans, or Peale, for the Purpose of Preparing any Worts or Wash, or for Making, Extracting, or Distilling Aqua Vitæ, Low Wines, or Spirits, whether such Tun, Wash, Batch, Keeve, Cask, Copper, Still, or other Vessel or Utensil, hath or hath not been duly Entered at the Excise Office, That then, and in each and every of the said Cases, such Distiller or Maker of Aqua Vitæ, Low Wines, or Spirits, or other Person or Persons, acting Contrary to the Directions of this Act, or the Person or Persons in whose Custody or Possession any such Tun, Wash, Batch, Keeve, Cask, Copper, Still, or other Vessel, or Utensil which shall be made Use of contrary to the Intention of this Act, shall

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be found, shall respectively for every such Offence, Forfeit and pay the Sum of Two Hundred Pounds, and all such Wheat, Oats, Bear, Barley, Malt, Beans, and Peale, and such Potatoes, Meal, and Flour, and such Worts and Wash, Aqua Vitæ, Low Wines and Spirits, shall be also Forfeited.

And be it further Enacted by the Authority aforesaid, That during the Time herein limited, it shall be lawful for any Person or Persons, who shall be authorized for that Purpose, by the Chief Commissioners of His Majesty's Revenue in Ireland, for the Time being, or any Two or more of them, within the Limits of the City of Dublin, or by One or more Justice or Justices of the Peace, or Magistrate, in any City or Town Corporate in this Kingdom, at any Time or Times, or any Officer of Excise, within his District, to Enter into any Work-house, Still-house, Store-house, Ware-house, or any other Place wherein any Aqua Vitæ, Low Wines, or Spirits, or Worts, or Wash, shall be, and are suspected to be Made, Brewed, Extracted, Distilled, or Prepared, or wherein any Aqua Vitæ, Low Wines, or Spirits, or Worts, or Wash, shall have been Made, Brewed, Extracted. Distilled, or Prepared, after the said Twenty fifth Day of March, One thousand seven

seven hundred and fifty eight, and shall have free Admittance into the same. And in case any such Person or Persons, authorized as aforesaid, shall have Reason to suspect that any Wheat, Oats, Bear, Barley, Malt, Beans or Pease, or Potatoes, Meal, or Flour of Wheat, Oats, Bear, Barley, Malt, Beans, or Pease, is Mixed, in any Worts, or Wash, or in any other Material or Preparation for Making, Brewing, Extracting, or Distilling Aqua Vitæ, Low Wines, or Spirits, it shall be lawful for such Person or Persons at any Time or Times, during the said Term, upon Payment of Two Shillings and Six Pence, to take a Sample, not exceeding Two Quarts, of any such Worts, or Wash, Material, or Preparation, which shall be found in any such House, or other Place, as aforesaid: And in case any Distiller, Brewer, or Maker of Aqua Vitæ, Low Wines, or Spirits, or the Owner or Occupier of any such House or Place, or any Workman, or Servant to any such Distiller, Brewer, Owner or Occupier belonging, shall refuse to Admit such Person or Persons, as shall be so authorized, into any such House or Place, or shall Obstruct or Hinder any such Officer, or Person or Persons, in making such Inspection as aforesaid, or shall not allow any such Person or Persons to take such Sample, after the said Sum of Two Shil-

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lings and Six Pence shall be Paid, or Tendered for the same, such Distiller, Brewer, Owner, or Occupier, shall, for every such Offence, respectively, Forfeit and Pay the Sum of One Hundred Pounds; And it shall be lawful for any such Person or Persons, authorized as aforesaid, to Seize, Take, and Carry away, all such Corn, Meal, Flour, and Potatoes, as shall be found in any such House, or other Place, together with all the Sacks, Bags, Vessels, and other Things, in which the said Commodities shall be contained.

And be it Enacted by the Authority aforesaid, That all Penalties and Forfeitures, by this Act Imposed, shall be Sued for, and Recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Dublin; and that one Moiety of the Penalties and Forfeitures, when Recovered, shall be to the Use of the Protestant Schools in Ireland, and the other Moiety to him or them who shall Sue for the same.

Provided always, That all Suits, Prosecutions, or Informations for Offences Committed against this Act, shall be Commenced and Made within the Space of Three Kalendar Months after the Fact is

is Committed, and not otherwise; any Thing herein contained to the contrary, notwithstanding. CHAP. II.

And be it Enacted by the Authority aforesaid, That if any such Action or Suit shall be Commenced against any Person or Persons, for any Thing done in Pursuance of this Act, such Action or Suit shall be Commenced within the Space of Four Kalendar Months next after the Offence shall be Committed, the Defendant or Defendants in any such Action or Suit, may plead the General Issue, and give this Act and the Special Matter in Evidence, on any Trial to be had thereupon, and that the same was done in Pursuance, and by the Authority of this Act; And if it shall appear so to have been done, the Jury shall find for the Defendant or Defendants; And if the Plaintiff shall be Nonsuited, or Discontinue his Action, after the Defendant or Defendants shall have Appeared, or if Judgment shall be given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall and may Recover Treble Costs, and have the like Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law.

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Provided allways, and be it Enacted by the Authority aforesaid, That this Act shall continue in force, until the First Day of September, One thousand seven hundred and fifty nine, and no longer.

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